

TRAFFORD COUNCIL

Report to: Executive
Date: 27 January 2020
Report for: Decision
Report of: Executive Member for Housing and Regeneration

Report Title

Trafford Civic Quarter AAP and Compulsory Purchase Order (CPO)

Summary

Securing the successful regeneration of Stretford/Old Trafford has been a long-standing priority for the Council. Building on the existing major assets of the area the proposed Civic Quarter Area Action Plan (CQ AAP) provides an opportunity to act as a catalyst for the regeneration and renewal of Trafford's northern area. The CQ AAP will form part of the Council's adopted development plan, sitting alongside the adopted Core Strategy and in due course the emerging Trafford Local Plan. It will be the statutory starting point for planning decision making within the Civic Quarter boundary.

The Council is now proposing to undertake a formal public consultation on the Consultation Draft CQ AAP (Regulation 18) in line with the Council's published Statement of Community Involvement and the Local Plan Regulations (2012). The consultation process will provide an opportunity to further involve all interested parties, including local people, businesses and key stakeholders in the development of the proposals and establish the views of the community and other key stakeholders. The Executive is asked to approve the consultation draft Civic Quarter AAP for Regulation 18 consultation.

This report also seeks approval to utilise the Council's compulsory purchase order (CPO) powers to acquire the former B&Q site and facilitate the delivery of the CQ AAP.

Recommendation(s)

It is recommended that the Executive:

- 1.1 Approves the Consultation Draft Civic Quarter Area Action Plan (CQ AAP) for Regulation 18 public consultation for a period of no less than six weeks and authorises the Corporate Director of Place to carry out all necessary steps in relation to such consultation.
- 1.2 Resolves that the consultation draft Civic Quarter SPD dated October 2018 is withdrawn (and treated as cancelled) and is superseded by the draft CQ AAP with immediate effect.
- 1.3 Provides in principle support for the making of a compulsory purchase order

under section 226 of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 to enable the redevelopment and regeneration of the site shown edged red on the plan in Appendix Two.

- 1.4 Delegates authority to the Corporate Director for Place in consultation with the Corporate Director of Governance and Community Strategy to take all steps necessary to enable a compulsory purchase order to be made including but not limited to:
- (a) the carrying out of land referencing including without limitation the service of notices under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and/or section 5A of the Acquisition of Land Act 1981;
 - (b) the authorisation of entry onto the Land and other land for the purpose of carrying out surveys pursuant to section 172 of the Housing and Planning Act 2016;
 - (c) the preparation of a draft statement of reasons;
 - (d) the preparation of a draft Order and Order Schedule; and
 - (e) the preparation of notices to owners, lessees and occupiers, site notices and any other notices required to be served and/or advertised in accordance with the Acquisition of Land Act 1981 should the Executive authorise the making of a compulsory purchase order.
- 1.5 Delegates authority to the Corporate Director for Place to negotiate for the voluntary acquisition of land and rights over land needed to enable the Scheme to be delivered in advance of confirmation of a CPO, as if such CPO had been confirmed.
- 1.6 Delegates authority to the Corporate Director for Place in consultation with the Corporate Director of Governance and Community Strategy to consider alternatives to the use of compulsory purchase powers.
- 1.7 Notes that before a compulsory purchase order is made a further detailed report will be drafted seeking authority for the making of an Order and that such a report will need to address a number of issues including:
- (a) that the compulsory acquisition is necessary to facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land being acquired;
 - (b) that the Scheme complies with the Civic Quarter AAP and other relevant planning policy;

- (c) that there is a compelling case in the public interest for the land to be acquired which outweighs the interference with the human rights of those with an interest in the land affected;
- (d) that the Scheme will contribute to the promotion or improvement of the economic and/or social and/or environmental well-being of the local area;
- (e) that the Scheme is viable and that there is a reasonable prospect that the Scheme can be implemented within a reasonable timescale;
- (f) that agreements have been entered into with a private sector partner that provides for the delivery of the Scheme and indemnifies the Council in respect of its costs of making the order, seeking its confirmation and compensation payments to affected owners, lessees, occupiers and any other potential claimants;
- (g) that there are no physical or legal impediments to the Scheme proceeding;
- (h) that all reasonable steps have been taken to acquire land and rights over land needed to deliver the Scheme by negotiation and voluntary agreement;
- (i) that alternatives to the use of compulsory purchase powers have been considered; and
- (j) that the compulsory acquisition would not infringe the Council's equality duty.

Contact person for access to background papers and further information:

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Background Papers: None

Appendices:

Appendix 1: Consultation Draft Civic Quarter Area Action Plan
Appendix 2: Former B&Q Site Plan

Implications:

Relationship to Policy Framework/Corporate Priorities	The Civic Quarter AAP will support the delivery of the Council's Corporate Plan (2019), including the priorities Building Quality, Affordable and Social Housing, Health and Wellbeing, and Successful and Thriving Places. The final Area Action Plan will be an adopted Development Plan Document which will sit alongside the adopted Core Strategy and in due course the emerging Trafford Local Plan. Furthermore the Area Action Plan will form an important component in the delivery of the Refreshed Stretford Masterplan vision.
Relationship to GM Policy or Strategy Framework	At a GM level the Civic Quarter Plan will support the growth ambitions articulated within the emerging Greater Manchester Spatial Framework and the GM Strategy. Specific proposals within the Area Action Plan will be developed in the context of the GM 2040 Transport Strategy, GM Congestion Plan, and Made to Move walking and cycling plan to identify improvements tackling traffic congestion, promote sustainable modes of travel and better integrate transport and new developments.
Financial	The costs associated with the production of the Civic Quarter Plan, including associated consultations, are being funded from the Joint Venture between the Council and Bruntwood.
Legal Implications:	The Council will need to undertake all the steps as set out in the report. Legal are supporting in both the production of the Area Action Plan and the progression of any CPO. Any CPO will be progressed in accordance with the Ministry of Housing, Communities and Local Government (MHCLG) Guidance on Compulsory purchase process and The Crichel Down Rules (2019).
Equality/Diversity Implications	An Equalities Impact Assessment has been carried out. This has concluded that there would be a neutral impact on protected groups from these proposals. Further assessments will be completed as part of the process to prepare the Final Area Action Plan.
Sustainability Implications	The Civic Quarter Plan contains policies with relevance to sustainability principles that new development would be in accordance with.
Resource Implications e.g. Staffing / ICT / Assets	Existing resources have been identified to support the delivery of the Civic Quarter Plan and related activity across all the partners.
Risk Management Implications	The delivery of the Civic Quarter Plan is supported by a risk plan setting out the key risks to delivery and proposed mitigation measures.
Health & Wellbeing Implications	None as a consequence of this report.
Health and Safety Implications	None as a consequence of this report.

1.0 Background

- 1.1 The Council, in partnership with Bruntwood and Lancashire Cricket Club (LCC), appointed Feilden Clegg Bradley, Planit-ie and Avison Young in February 2018 to produce a Civic Quarter Masterplan for the revitalisation of the Civic Quarter area.
- 1.2 Securing the successful regeneration of Stretford/Old Trafford has been a long-standing priority for the Council. The Civic Quarter area occupies a strategic position in the borough being in close proximity to both Manchester City Centre and MediaCityUK with excellent transport links. Building on the existing major assets of the area, it provides an opportunity to act as a catalyst for the regeneration and renewal of Trafford's northern area.
- 1.3 With circa 2.5 million visitors per year to Manchester United Football Club and 500,000 to LCC, the Civic Quarter and surrounding area is one of the most visited places in the borough. It also contains several important civic functions and community facilities such as Trafford Town Hall, Trafford College and Stretford Leisure Centre. However, the area is fragmented by a number of large footprint single uses with little pedestrian permeability and a significant opportunity exists to improve the visitor experience for its sporting attractions, and to create a vibrant neighbourhood for existing and new residents.
- 1.4 In order to provide additional expertise a joint venture arrangement (JV) has been established between the Council and Bruntwood on a 50:50 basis on commercial terms. The JV arrangements have delivered the refurbishment of the UA92 building will provide the basis of a delivery mechanism for development across the wider Civic Quarter area.

2.0 Proposed Civic Quarter Plan

- 2.1 Following consultation on the draft Civic Quarter Masterplan Supplementary Planning Document (SPD) and its accompanying Strategic Environmental Assessment from 30th October to 21st December 2018 the Council received legal advice on the most appropriate mechanism to achieve its objectives and ambitions for the Civic Quarter area. This advice has concluded that the most appropriate and robust route, in planning terms, is to produce a document for adoption as a Development Plan Document as part of the Local Plan, rather than an SPD. Therefore the Council has prepared an Area Action Plan, herein referred to as the Civic Quarter Area Action Plan (CQ AAP).
- 2.2 An Area Action Plan can be produced to set out area-specific vision and planning policy for areas within a wider Local Plan area where it is anticipated that significant change is likely to take place. Its status as a Development Plan Document falls under the legislative framework established by the Planning and Compulsory Purchase Act 2004 and the Regulations made under that Act, namely the Town and Country Planning (Local Planning) (England) Regulations 2012. As part of the Local Plan, once adopted, the CQ AAP will be the statutory starting point for the determination of relevant planning applications.
- 2.3 The production and adoption of the CQ AAP is following the stages below (indicative timeframes are identified):

Stage of adoption process	Indicative Timescale
Approval of Consultation Draft CQ AAP (Regulation 18) by Executive	January 2020
Public Consultation	February to March 2020
Consideration of consultation responses and review of document	March to July 2020
Approval of Publication Draft CQ AAP (Regulation 19) by Full Council	July 2020
Public consultation	September to October 2020
Consideration of consultation responses and review of document	November to December 2020
Submission to Planning Inspectorate (PINS) for Examination	January 2021
Examination in Public (EIP)	April/May 2021*
Adoption of CQ AAP by Full Council	September/October 2021*

[*Note: these dates depend on the capacity of the Planning Inspectorate to timetable an Examination in Public in a timely manner which is outside the Council's control].

Purpose and Scope of the Civic Quarter Plan

- 2.4 The CQ AAP is being prepared in order to ensure that the scale of development and change proposed for the area to 2037 and beyond, is positively managed and guided by a robust planning framework. It seeks to provide clarity and increased certainty about how the identified opportunities will be realised and to ensure challenges are addressed. The CQ AAP will inform the entirety of the development management process, from pre-application through to the determination of planning applications or related consents.
- 2.5 The Council's vision set out in the CQ AAP for the area to 2037 and beyond is:
- “The creation of a new, diverse, resilient and vibrant mixed use neighbourhood that builds on and maximises the existing opportunities in the area. It will have its own distinctive identity, providing a unique and attractive destination for the wider community, residents, businesses and visitors alike. High quality design, including sustainable design features, provision of green infrastructure and promotion of sustainable modes of transport will be at the heart of development in the area. New opportunities for work, leisure and play will be created in a high-quality setting, improving health and wellbeing and creating a sense of pride in the local area.”*
- 2.6 Securing effective place making, sustainable development and increased affordability are at the heart of the CQ AAP. In order to deliver and support the overarching vision the following high-level strategic objectives and opportunities have been identified:

- Creation of High-Quality Public Realm
- Supporting Sustainability
- Consolidation and Rationalisation of Car Parking
- Housing a Growing Community
- Enhancement of Heritage Assets
- Supporting Economic Growth
- Improved Permeability and Connectivity
- Creation of Defining and Distinctive Neighbourhoods

2.7 The CQ AAP includes detailed area wide development management policies to guide and manage development within the CQ AAP area that should be read in conjunction with the Council's wider development plan policies. The CQ AAP policies will ensure that future developments contribute towards and deliver the overall vision and strategic objectives for the area. These policies include:

- Policy CQ1: Civic Quarter Regeneration
- Policy CQ2: Housing
- Policy CQ3: Mixed Use Communities
- Policy CQ4: Conversation and Heritage
- Policy CQ4: Sustainability and Climate Change
- Policy CQ5: Conservation and Heritage
- Policy CQ6: High Quality Urban Design
- Policy CQ7: Public Realm Principles
- Policy CQ8: Wellbeing Route- Talbot Road
- Policy CQ9: Processional Route
- Policy CQ10: Movement & Car Parking Strategy

2.8 An AAP wide detailed viability assessment is currently being undertaken to inform a more detailed Infrastructure & Obligations policy which will be provided within the next iteration of the CQ AAP (Regulation 19 Stage). This will seek to ensure that any specific proposals that are brought forward make adequate provision for infrastructure and other requirements made necessary by new development, either through appropriate on-site provision or planning obligations, including affordable housing.

Civic Quarter Plan Boundary

2.9 The CQ AAP area covers approximately 55 ha (135 acres), comprising predominantly previously developed land within the wards of Longford, Gorse Hill and Clifford. The CQ AAP boundary incorporates a number of prominent buildings and important sites including Trafford Town Hall, Lancashire Cricket Club, the former Kellogg's site, the former B&Q site, Stretford Sports Village, Trafford College, Stretford Police Station, a Tesco Superstore, White City Retail Park, a British Gas office, and the former Greater Manchester Police (GMP) site. The CQ AAP boundary is not intended to represent a 'hard' boundary beyond which further change and enhancements are restricted and the Council remains committed to the regeneration of the wider area.

2.10 The CQ AAP area has been divided into the following neighbourhood areas:

- **Central Neighbourhood:** comprising of a number of large scale land parcels, including the former Kellogg's site, British Gas site and White City Retail Park,

alongside a number of substantial office buildings along Talbot Road and some residential buildings.

- **Southern Neighbourhood:** largely comprising the LCC ground and associated uses, alongside the Lancastrian House office development and vacant former B&Q site.
- **Western Neighbourhood:** bound by Chester Road and Talbot Road and comprises the main civic buildings for the Borough, including the listed Town Hall, Trafford College and Stretford Police Station, alongside the current Stretford Sports Village, a Tesco superstore, some commercial units along Chester Road and an element of terraced housing.
- **Northern Neighbourhood:** comprising the vacant former GMP headquarters site.
- **Eastern Neighbourhood:** comprises of a number of historic buildings, including the Former Trafford Public Hall (now known as Trafford Hall Hotel); Old Trafford Bowling Club; and group of Victorian Villas.

3.0 Compulsory Purchase Order

- 3.1 The CQ AAP will identify sites for development, some of which are in private ownership. The full socio-economic benefits of the CQ AAP can only be achieved if there is certainty about the delivery of a comprehensive regeneration scheme that provides the appropriate development of the right type in the right place.
- 3.2 The Council will act proactively to work with the private sector to deliver new development. Where required, the Council will also seek to assemble land to ensure the delivery of the identified opportunities and use its compulsory purchase order (CPO) powers where necessary. This report therefore seeks approval for the in principle use of CPO powers if land cannot be acquired through agreement, subject to further approval(s).
- 3.3 In June 2019 the Executive approved in principle the use of CPO powers to enable the delivery of development in the Civic Quarter Area. This report seeks in principle authority for the Council to promote a CPO to enable acquisition of the former B&Q site and realise the benefits associated with its redevelopment in accordance with the CQ AAP.

The Former B&Q Site

- 3.4 The former B&Q site has been vacant for a number of years, following B&Q's restructuring deal back in early 2016. The site was then acquired by Accrue Capital who subsequently were refused planning permission (94974/OUT/18) for a scheme comprising 433 homes and 1,181 sq.m commercial/community floorspace in March 2019. Accrue have not appealed against the Council's decision to refuse planning permission and the time period in which they are able to do so has now expired. The Consultation Draft CQ AAP has identified the site as an optimal location for consolidated car parking and a new leisure centre, possibly alongside a mix of higher value uses, to serve an enhanced LCC experience and surrounding employment, civic and commercial development opportunities.
- 3.5 At the present time there is no indication from the landowner that they are progressing deliverable proposals for the redevelopment of the site consistent with planning policy. Therefore without intervention it is considered that the site will remain vacant and will not fulfil its potential to deliver socio-economic and environmental improvements at this location.

- 3.6 It is considered that the CPO is necessary in order to facilitate the development of the former B&Q site. The Council considers that the acquisition of the site will facilitate the carrying out of development, re-development or improvement on or in relation to the land and the development, re-development or improvement is likely to contribute to the promotion or improvement of the economic well-being of their area, the promotion or improvement of the social well-being of their area, and/or the promotion or improvement of the environmental well-being of Stretford/Old Trafford.
- 3.7 The Council has engaged with the land owners of the former B&Q site since April 2019 and commenced negotiations, via Bruntwood, in seeking to acquire it by agreement as part of the JV. In the negotiations to date it has not been possible to reach agreement with the site owner on an acquisition. These negotiations will continue with all reasonable steps taken to acquire the former B&Q site and rights over land needed facilitate its development by negotiation and voluntary agreement and with full consideration of all alternatives to the use of CPO powers.

CPO Indemnity Agreement

- 3.8 The Council will develop the site with its JV development partner, Bruntwood. Where the Council is pursuing a CPO on behalf of a developer, the Council would seek an Indemnity Agreement to cover any costs incurred in securing the CPO. In this case as the Council is jointly developing the site, it will be self-indemnifying, alongside Bruntwood as its JV partner.
- 3.9 The projected land acquisition costs are set out in the associated Part II report.
- 3.10 The table below provides the current timescales in relation to the CPO process:

Report to Executive	January 2020
Commence land referencing	February 2020
Commence drafting Statement of Reasons (SoR)	February 2020
Questionnaire to be sent out	March 2020
Report to Executive seeking formal authority to promote a CPO	July 2020
Submit Order, advertise and send out formal notices to interested parties within Order lands	January 2021

- 3.11 It is considered that Section 226 (1) of the Town and Country Planning Act 1990 would be the most appropriate power to be used to compulsorily acquire the site. There will be further reports submitted to the Executive as set out in the recommendations of this report.

Public Sector Equality Duty

- 3.12 All public sector acquiring authorities are bound by the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. It requires local authorities to have

due regard to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 3.13 In exercising its compulsory purchase and related powers the Council must therefore have regard to the effect of any differential impacts on groups with protected characteristics. The Council considers that the compulsory acquisition would not infringe on its equality duty and there would not be any significant negative impacts on protected groups if the CPO were confirmed in addition to the overall positive impacts of the CQ AAP proposals through the delivery of development and places that are accessible to all.

4.0 Wider Corporate Links

- 4.1 The CQ AAP will be consistent with the Council's Corporate Plan (2019) and the Trafford Economic and Housing Growth Framework (2018). The CQ AAP will sit alongside the emerging Trafford Local Plan and the adopted Core Strategy, albeit it will supersede the site specific and / or land allocation policies of the current adopted Core Strategy and the adopted Trafford Unitary Development Plan within the Civic Quarter boundary. The Civic Quarter AAP is also aligned with the principles in the emerging Trafford Design Guide.
- 4.2 At a GM level, it will support the growth ambitions articulated within the GM Strategy whilst supporting the urban capacity work, housing and employment numbers for the emerging Greater Manchester Spatial Framework (GMSF). Specific proposals within the CQ AAP will be developed in the context of the GM 2040 Transport Strategy, GM Congestion Plan, and Made to Move walking and cycling plan to identify improvements tackling traffic congestion, promote sustainable modes of travel and better integrate transport and new developments.

5.0 Other Options

- 5.1 The Council could continue to progress the proposals for the Civic Quarter area as an SPD. However legal advice received has outlined that this may be open to challenge and the scope and content proposed for the area is more appropriate as an AAP.
- 5.2 Other options are not to progress the CQ AAP or to prepare a different strategy. The continued absence of an overarching framework for the delivery of development in the Civic Quarter area will not provide the Council with a strategic context within which to make decisions on future development in support of its priorities for economic growth and development. The adoption of the CQ AAP will enable the Local Planning Authority to use the CQ AAP as the statutory starting point for planning decision making and to give it significant weight in any potential CPO process, which will mean the document can meaningfully influence and shape development activity in the area.
- 5.3 The CQ AAP will become part of the existing Trafford Local Plan. To incorporate it into the emerging Local Plan would have too much risk of delay as this document is reliant on the production of the Greater Manchester Spatial Framework.

5.4 The Council could choose not to use CPO powers to deliver the regeneration of the B&Q site, requiring the site to be acquired through agreement. This could significantly delay the redevelopment of the site if it is not been possible to reach agreement through negotiation. Furthermore the site remains vacant with no indication of alternative deliverable proposals compliant with planning policy at the present time.

6.0 Consultation

6.1 It is recognised that regular engagement and consultation feedback is essential to identify what is important to the community and partners and to inform the delivery of the proposals for the Civic Quarter area.

6.2 The preparation of the CQ AAP has taken into account all feedback received on the draft Civic Quarter Masterplan SPD. The Council will undertake a formal public consultation a period of six weeks between 5 February and 20 March 2020 on the Consultation Draft CQ AAP in line with the Council's published Statement of Community Involvement and the Local Plan Regulations (2012). The Council will hold two consultation events during the public consultation period and seek to engage with as wide an audience as possible, including local schools. The consultation process will provide an opportunity to further involve all interested parties, including local people, businesses and key stakeholders in the development of the proposals and establish the views of the community and other key stakeholders. The Strategic Environmental Assessment will be consulted on alongside the CQ AAP.

6.3 The Council will consider all comments and representations made and use them to inform necessary changes to the Consultation Draft CQ AAP (Regulation 18) and accompanying documents prior to preparation of the Publication Draft CQ AAP (Regulation 19). Following the publication of the Draft Plan, it will be subject to a further period of consultation before being submitted to the Secretary of State for Independent Examination. Statutory consultation and adoption statements are being produced as and when required by Regulations.

Reasons for Recommendation

The Executive is asked to approve the Consultation Draft CQ AAP for Regulation 18 public consultation for a period of six weeks to enable the scale of development and change proposed for the area to be positively managed and guided by a robust planning framework. The Executive is also asked to approve in principle the use of the Council's CPO powers to enable the redevelopment and regeneration of the former B&Q site as identified in the CQ AAP if land cannot be acquired through agreement.

Key Decision Yes

If Key Decision, has 28-day notice been given? Yes

Exempt Information

By virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by The Local Government (Access to Information) (Variation) Order, the following information has been excluded from Part 1 of this report and included in Part 2 of the report:

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Finance Officer Clearance ...GB.....

Legal Officer Clearance ...TR.....

DIRECTOR'S SIGNATURE



To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.